

# Bernalillo County Board of Commissioners

## 6/16/15 Zoning Meeting

### BCC Recommended Findings and Conditions with Amended Language Santolina Master Plan

#### BCC Recommended Findings and Conditions BCC Amended Language in red font and underlined

#### FINDINGS

1. This is a request for a Planned Communities Level A Master Plan called the Santolina Master Plan. The plan area is generally bounded by Interstate 40 to the north, 118th Street and the escarpment open space to the east, the Pajarito Mesa on the south, and the escarpment area adjacent to the Rio Puerco Valley on the west, encompassing projected sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16 & 17, T9N, RI E and sections 6, 7, 8, 16, 17, & 18, T9N, R2E and sections 32, 33, 34, 35, & 36, T10N, R1E and sections 30 & 31, T9N, R2E, N.M.P.M., Town of Atrisco Grant, Albuquerque, Bernalillo County, New Mexico and containing and approximately 13,851 acres, generally zoned A-1 Rural Agricultural.

2. The request for approval of the Santolina Level A Master Plan has been submitted in conjunction with a request for a zone change for Planned Communities (PC) Zoning in accordance with Section 19.5 of the Bernalillo County Zoning Code (Planned Communities Zone) (CZ-20130009).

3. The Santolina development will take place within the next 40-50 years in accordance with the Level A Santolina Master Plan and subsequent Level B and Level C Plans. The Plan is responsive to the population and economic growth that is anticipated to occur in the Albuquerque Metropolitan Area by the Mid-Region Council of Governments.

4. The plan includes goals of providing for mixed land uses, a broad range of housing, employment, educational, and recreational opportunities in distinct residential village centers, industrial/business parks, parks and Open space, an urban center, a business park, and a town center with an open space network that provides connections to all portions of the development. The plan area will have a total build-out of approximately 38,045, dwelling units with concentrations that eventually will be high enough to support transit and extensive open space, parks, and trail networks. The overall gross residential density of the Santolina Community is 2.7 dwelling units per acre, as specified in the Level A Plan.

5. The Santolina Level A Master Plan is consistent with the Albuquerque/Bernalillo County Comprehensive Plan policies for the Reserve Area that call for substantial self-sufficiency and environmental sensitivity and development that is at no net cost to Bernalillo County.

6. The Santolina Level A Master Plan complies with the criteria found in the Planned Communities Criteria for Level A Master Plans for land use, transportation, environment and open space, and government and public services, in a manner that can serve as the basis for a Development Agreement between the County of Bernalillo and the applicant and for subsequent Level B and Level C Plans required for the development of the Santolina Community.

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7. The Level A Development Agreement is being prepared for execution by the Board of County Commissioners and the Developer at the time of approval of the Level A Santolina Master Plan and Planned Communities Zoning to ensure compliance with the Level A Planned Communities Criteria and that the development will be at no net cost to Bernalillo County. Development agreements with other local governments are not required at this stage.

8. Section 19.5.A.2 PC Planned Communities Zone of the Zoning Code requires the Level A Development Agreement to govern the interim permissive and conditional uses until a Level B plan has been adopted. The area proposed for the Level A Santolina Planned Community currently has existing sites that contain Special Use Permits as approved and regulated by Section 18, Special Use Permits of the Zoning Code and potential sites for local and state economic development projects. The remaining portions of the Santolina boundary area is undeveloped and are expected to remain undeveloped until a Level B and Level C plan is adopted.

9. The proposed Santolina development is suited for approval as a planned community as a result of (1) a large contiguous tract of land primarily under a single ownership, (2) its location on the urban fringe with limited existing development or infrastructure and the potential to function as a self-sufficient community, (3) its proximity to existing suburban and urban areas, (4) its potential for a wide range of activities, land uses and housing types, (5) its opportunity for a network of community open space and recreation facilities, (6) its opportunity for an integrated multi-modal transportation network, and (7) its opportunity to provide a systematic and financially responsible provision of infrastructure and community facilities.

10. The Santolina Level A Transportation Plan and Land Use Plans recognize the importance of maintaining a reasonable balance between residential uses and employment uses throughout the development of the property. The jobs/housing balance is a critical component of the sustainability of Santolina.

11. The Santolina Level A Transportation Plan provides an acceptable transportation network that will adequately serve the proposed development, will connect to existing and proposed future roadways, and will be followed and further elaborated upon in subsequent Level B and Level C Planning.

12. A Santolina Level A Fiscal Impact Analysis and an Economic Impact Analysis have been prepared in conformity with the Level A Planned Communities Criteria and demonstrates substantial benefits to Bernalillo County. However, there are no concrete assurances that market demand currently exists for the development.

13. The Santolina Level A Master Plan provides for a permanent open space buffer and an internal open space network consistent with the Planned Communities Criteria and with the Albuquerque/ Bernalillo County Comprehensive Plan. Per the Planned Communities Criteria, Major Public Open Space (MPOS) has been distinguished from other 'Open Space.' The method of conveyance and proposed phasing of conveyance in MPOS will be identified in Level B plans.

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14. Created open space/parks will be developed to fit within the transportation grid system. The collectors and minor streets within the transportation grid system may be adjusted to accommodate protected cultural, archeological and/or geographical significant properties as described in the “environmental and open space” section of the PCC that do not fit within the grid system.

15. The Santolina Level A Master Plan provides for a network of parks, recreation and open space facilities consistent with the currently adopted Bernalillo County Parks, Open Space and Trails Master Plan.

16. A Level 1 Archeological study has been conducted as required for a Level A Planned Communities Master Plan. More detailed investigations are required by the Planned Community Criteria for Level B and Level C plans, as well as by the Bernalillo County Subdivision Ordinance.

17. In accordance with the purpose and intent of its Water Conservation Ordinance to reduce per capita water use, encourage responsible use of water, and require conservation measures for new development and preserve water supplies within Bernalillo County, and in accordance with Policy L of the ABCWUAs Water Resource Management Strategy, the County has taken water supply availability and cumulative impacts into account in making a land use development decision and in determining the legal and physical availability of water for the Santolina Master Plan.

18. Through a letter dated 29 July 2014, ABCWUA has represented that they are capable of serving the master planned community, contingent upon the developer's ability to comply with ABCWUA current guidelines, policies, and ordinances, as amended from time to time. Through provision of the referenced letter and the associated representation by the ABCWUA, the applicant has demonstrated the physical and legal availability of water and wastewater as required in the Level A Planned Communities Criteria.

19. As represented by the applicant in Table A of applicant's 23 May 2014 memorandum which is included by the applicant in the 4 November 2014 revision to the Water Master Plan (page 3), the estimated water use (or average day use), at ultimate buildout is estimated to be 14,380 ac-ft/yr and is to be provided by the ABCWUA under terms and conditions to be determined by the ABCWUA as part of its development agreement.

20. The Santolina Level A Master Plan includes an acceptable plan for drainage and stormwater management that is consistent with the natural environment and addresses the requirements of Bernalillo County, AMAFCA, and the ABCWUA.

21. Bernalillo County has approximately \$450 million dollars in unfunded capital infrastructure facility needs currently in its 2014-2020 Capital Improvement Plan and the financial impact of Santolina infrastructure development cannot add to this unfunded amount.

22. The proposed Santolina development is within the Albuquerque Public Schools (APS) district boundaries. The schools anticipated to be needed within the (over the next forty to fifty

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years) are not included in APS's current Facilities Master Plan, and APS has not approved any school sites or construction of any schools within the Santolina Plan Area.

23. The request for Level A Planned Community Zoning for Santolina is consistent with Resolution 116-86. It provides an overall development strategy and master plan for the approximately 13,851 acre site over the next 40 to 50 years that is intended to result in a cohesive, sustainable community with economic benefits to Bernalillo County.

24. The request is consistent with the health, safety, and general welfare of the residents of Bernalillo County.

**CONDITIONS**

**Development Agreement/No Net Expense Agreement**

1. A Level A Development Agreement shall be entered into between Bernalillo County and the applicant which reflect this approval and a) clearly identifies responsibilities for development of and infrastructure and other facilities in Santolina; b) requires a link between housing and employment development in Santolina; c) maintains an overall residential density that is consistent with the Albuquerque/Bernalillo County Comprehensive Plan density requirements and is included in the Santolina Level A Plan; d) shall adhere to water use and conservation requirements of Bernalillo County and the Albuquerque/Bernalillo County Water Utility Authority.

2. Bernalillo County and the applicant agree on the "no net expense" clause of the Planned Community Criteria. Nothing in any development agreement shall commit this Commission and future Commissions to public funding or financing mechanisms.

**Jobs-housing (BCC recommended reverting to original CPC language with modification)**

3. The Santolina development shall achieve a reasonable balance between residential uses and employment uses such that it maintains the characteristics of a self-sustaining community. As stated in the Santolina Level A Master Plan, an approximate jobs to housing ratio of 2-1 shall be achieved with a goal of creating no less than 75,000 jobs as indicated in the Level A Santolina Plan at the time of full buildout of Santolina. A ~~mechanism for ensuring~~ plan for attaining the ratio shall be provided in subsequent Level B Plans, such that the anticipated job development shall occur in relation to residential development.

**Transportation**

4. The applicant will submit a proposed Level B Transportation Plan consistent with the Level A Transportation Master Plan, as revised, of the Santolina Level A Master Plan, prior to a Level B approval or future development activities such as building permits, that generate 500 or more cumulative peak hour trips when upon coordination with the developer BCPWD deems it necessary.

a. The *Santolina Access Management Plan (SAMP)* with the Traversable Median column added to Access Spacing Standards Table on Page 3 is approved. The SAMP shall be added to the Santolina Level "A" Transportation Master Plan.

b. Revise the Level A Transportation Network model as required by BCPWD. Revisions/reanalysis shall include, but not be limited to, the 118<sup>th</sup> St./I-40 interchange, the new proposed arterial roadways, the new urban center layout, and any other changes to the Santolina roadway network. In accordance with PCC criteria, when substantial variations are identified to

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the Level A Master Plan, subsequent revision/reanalysis of the Level A Transportation Network model shall be required, when upon coordination with the developer, BCPWD deems it necessary.

c. All appropriate items in the Addendum to the Transportation Master Plan dated November 4, 2014 shall be placed in the appropriate Level A document.

5. Written approval from the proper state and/or federal authority will be obtained prior to the improvement or expansion of State roads identified in the Level A submittal. NMDOT and FHWA (Federal Highway Administration) review and approval will also be required for any required modifications and improvements to Interstate 40 as a result of the development of Santolina and its roadway network. Future coordination with NMDOT and FHWA will be done in subsequent procedures including the Metropolitan Transportation Plan, the Transportation Improvement Plan and the State-wide Transportation Improvement Plan. The coordination of timeframes for the offsite roadway improvements and the Plan phasing will also need to be identified.

6. Funding for arterial streets and linkages, which are needed for Santolina and not programmed in the Bernalillo County Capital Improvements Program (CIP) or the Metropolitan Transportation Plan (MTP), shall be identified and submitted to the County for recommendation for inclusion in the CIP or the MTP.

**Utilities/Drainage/Stormwater/Wastewater Management**

7. The submitted Drainage (Stormwater) Master Plan, dated December 1, 2014, contains an addendum which includes minor inconsistencies within the calculations to the revised Land Use Master Plan. However, these inconsistencies do not alter the concept of the overall Drainage Master Plan and therefore are acceptable for this Level A Master Plan. The applicant must provide a Drainage (Stormwater) Master Plan consistent with the proposed Level A Master Plan with any Level B submittal.

8. Prior to approval of any Level B or Level C planning document, the applicant will provide a fully executed development agreement with the ABCWUA. The development agreement should be structured to ensure compliance with the ABCWUA's existing guidelines, policies, and ordinances and as may be amended from time to time. The development agreement should, at a minimum, address residential, industrial, institutional and commercial water conservation provisions, guidelines, and design standards. The development agreement should, at a minimum, address infrastructure improvements, direct and indirect potable reuse, and water supply charges, as well as provide; a Phasing Plan consistent with ABCWUA policies. This condition shall in no way constrain the ABCWUA from imposing such requirements as it may deem necessary.

9. Prior to approval of any Level B or Level C document, the applicant shall, based on the approved ABCWUA development agreement, provide to the County a written explanation of the projected Master Plan water use and phasing and the subsequent level plans within the context of the 2024 Water Conservation Plan Goal and Program Update (July 2013) or subsequent updates.

10. Prior to approval of any Level B or Level C planning document, the applicant shall provide to the County a water conservation plan that is compliant with Bernalillo County and ABCWUA's guidelines, standards and requirements and which achieves the conservation goals expressed in the Bernalillo County Ordinance and ABCWUA's 2024 Water Conservation

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Plan Goal and Program Update, July 2013 and which requires compliance with subsequent revisions of the such guidelines, standards, requirements, and plans. Residential development shall occur in a sequential manner adjacent to existing infrastructure and consistent with ABCWUA's policies.

11. Water and wastewater issues for the Santolina Master Planned Community shall be resolved between the Albuquerque/Bernalillo County Water Utility Authority (ABCWUA) and the applicant prior to any Level B approval.  
An agreement between the applicant and ABCWUA and regarding timing, responsibilities, and maintenance of water and sewer facilities required to service Santolina will be developed and agreed upon prior to any Level B approval.

12. A drainage plan and stormwater management plan shall be submitted at the time of any Level B submittal with provisions for revision as needed to ensure consistency with any EPA-issued municipal separate stormwater system permit provisions or requirements as issued for the Urbanized Area of Bernalillo County.

**Air Quality**

13. Prior to any Level B Plan approval, the developer shall provide documentation that the proposed development will comply with Albuquerque/Bernalillo County Air Quality Standards and will demonstrate the intent to comply with air quality standards established by the Environmental Protection Agency (EPA).

**Parks, Open Space and Trails, Archaeological Resources**

14. Development of Parks, Trails, and Open Space shall comply with the Level A Master Plan. The location of open space corridors shall be developed in accordance with the requirements of the Planned Community zone with regard to the transportation grid. If the more detailed plan deviates significantly from the intent and framework established in the higher level plan, especially in terms of fiscal impacts, then the higher level plan would need to be amended.

15. The Planned Communities Criteria requirements regarding the study and mitigation of archaeological and geotechnical resources shall be followed in Level B and Level C Santolina Plans. Prior to any Level B approval, documentation regarding the completed study and mitigation measures within the Level B plan area shall be provided.

**APS**

16. The developer will work cooperatively with APS to locate school sites within Santolina, which will be made available to APS on mutually agreeable terms and conditions.

17. Level B and C Plans shall be required prior to development of the Santolina Level A Master Plan Community. Level B and C development agreements, as prescribed in the Planned Communities Criteria, shall be provided. Consistency between Level A, Level B, and Level C plans shall be required throughout the development of Santolina. If the more detailed plan deviates significantly from the intent and framework established in the higher level plan, especially in terms of fiscal impacts, then the higher level plan would need to be amended.

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**Development of Santolina and Plan Amendments**

18. The Santolina Development Agreement shall include a section that pertains to Interim Uses. This section shall indicate that all sites within the Santolina Level A boundary area governed by a Special Use Permit or any site expected to be developed with local, state and/or federal support shall be governed by Sections 18, Special Use Permits and Section 24, Administration of the Zoning Code until a Level B Plan, affecting such site, has been adopted by Bernalillo County. No special use permit shall be issued without a demonstration of available necessary infrastructure and utilities, including water, electricity and sewer, to be installed before, or concurrently with, development of the site. No building permits shall be granted on all remaining sites until Level C plan affecting the subject property have been approved. Any subdivision will occur in compliance with the County's Subdivision Ordinance.

19. Prior to or concurrent with the first Level B Plan approval, the subject Level A master planned property shall be legally platted (the "Boundary Plat"). A summary platting procedure, such as that allowed for 'a minor subdivision' under County ordinances, shall be permitted for the Boundary Plat, and for any subsequent platting actions prior to a Level C plan or a Level C subdivision plat approval. The Boundary Plat and any subsequent plats submitted in advance of a Level C plan or a Level C subdivision plat approval shall provide legal access (easements) to all existing and proposed tracts within the platted area, but infrastructure installation or guarantee shall not be required prior to Level C plan or Level C subdivision plat approval, because, before building permits can be granted or development can proceed, additional land use approvals and infrastructure installation and/or guarantees are required at the Level C Plan approval stage and/or at the Level C subdivision plat approval stage.

20. Minor corrections to the plan, such as typographical and grammatical corrections, editorial changes agreed to by County staff, or small changes to acreage related to surveying may be incorporated in the final, adopted version of the plan.

21. The request shall comply with all applicable Bernalillo County ordinances and standards.

22. The applicant shall make the following modifications to the Level A Plan (dated 12/1/14) as required by staff and agencies:

- a) Chapter 4. Zoning, p. 47. Add the following sentence under Level A Governance and Interim Uses (after ..Bernalillo County..) "No building permits shall be granted on all remaining sites until a Level C plan affecting the subject has been adopted."
- b) Change the language "publicly funded" on page 92 to "proposed for public funding."
- c) Chapter 6, Transportation, Level A Master Plan on page 95: remove the sentence "The policy supersedes other policies that may be in place for roadways within Santolina" regarding the SAMP, and remove "(by others)" regarding the extension of Gibson Boulevard.
- d) Exhibit 1 must be corrected to indicate that the Westland Master Plan was approved by both Bernalillo County and the City of Albuquerque. The Board of County Commissioners approved the Master Plan as a Rank III Plan in accordance with the Comprehensive Plan. The City of Albuquerque also approved a separate Sector Development Plan for the portion of the Master Plan that has been annexed.